


MEMO ENDORSED

Pillsbury Winthrop Shaw Pittman LLP
600 Brickell Avenue | Miami, FL 33131 | tel 786.913.4900 | fax 786.913.4901

Geoffrey Sant
tel: 212.858.1162
geoffrey.sant@pillsburylaw.com

February 14, 2023

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

Re: *Huzhou Chuangtai Rongyuan Investment Management Partnership, et al. v. Hui Qin*, Case No. 21 Civ. 9221 (KPF) – **Petitioners’ Request for Leave to File Documents with Redactions and Under Seal**

Dear Judge Failla:

We write on behalf of Petitioners Huzhou Chuangtai Rongyuan Investment Management Partnership, Huzhou Huihengying Equity Investment Partnership, and Huzhou Huirongsheng Equity Investment Partnership (“Petitioners”) to request leave to file certain documents with redactions and certain documents under seal, pursuant to the parties’ Stipulated Protective Order dated January 3, 2023, Dkt. No. 92.

In conjunction with Petitioners’ Motion to Compel filed contemporaneously herewith, Petitioners respectfully request to file the following documents with redactions pursuant to Rule 9(B) of Your Honor’s Individual Rules of Practice in Civil Cases: (i) the Memorandum of Law; (ii) the Declaration of Carol Lee, dated February 13, 2023 (“Lee Decl.”); and (iii) the Declaration of Lening Liu, dated February 12, 2023 (“Liu Decl.”). Petitioners respectfully request to file under seal the following exhibits to the Lee Decl. and the Liu Decl. pursuant to Rule 9(C) of Your Honor’s Individual Rules of Practice in Civil Cases:¹

Exhibit	Description
Lee Decl. Ex. B	A letter from Amiad Kushner to Andrew Smith, dated January 24, 2023
Lee Decl. Ex. C	A document bearing Bates-numbers Qin_00000512 and Qin_00000573 produced by Qin in this action

¹ Petitioners seek to file the following documents under seal to be accessed by Your Honor and Respondent Hui Qin (“Qin”).

Lee Decl. Ex. D	A document bearing Bates-numbers Qin_00000944-948 produced by Qin in this action, marked Confidential
Lee Decl. Ex. E	A document bearing Bates-numbers Qin_00000848-851 produced by Qin in this action, marked Confidential
Lee Decl. Ex. I	Seiden Law Group LLP's Objections and Responses to Petitioners' Information Subpoena, dated November 28, 2022
Lee Decl. Ex. K	A letter from Geoffrey Sant to Amiad Kushner, dated February 10, 2023
Lee Decl. Ex. L	An email from Sarah Madigan to Amiad Kushner, dated January 20, 2023, attaching a January 20, 2023 letter from Andrew Smith to Amiad Kushner and a restraining notice issued to Qin
Lee Decl. Ex. M	A document showing legal fees, produced by Benjamin Xue in this action, marked CONFIDENTIAL
Lee Decl. Ex. N	A letter from Amiad Kushner to Andrew Smith, dated February 13, 2023, and the Supplemental Declaration of Hui Qin
Lee Decl. Ex. O	A document bearing Bates-numbers Qin_00000506-585, produced by Qin in this action, marked Confidential
Lee Decl. Ex. P	The transcript of the Deposition of Hui Qin, dated January 30, 2023, marked CONFIDENTIAL
Lee Decl. Ex. Q	A document bearing Bates-numbers Qin_00002208-2212, produced by Qin in this action, marked Confidential
Lee Decl. Ex. S	Xue & Associates, P.C.'s response to Petitioners' subpoena for deposition on written questions, dated January 13, 2023
Lee Decl. Ex. T	Images from the January 30, 2023 Deposition of Hui Qin, which was designated confidential
Lee Decl. Appendix A	Petitioners' Requests for Production to Qin
Lee Decl. Appendix B	Petitioners' First Set of Post-Judgment Interrogatories to Qin
Liu Decl. Ex. 2	An excerpt of the transcript of the Deposition of Hui Qin, dated January 30, 2023, marked Confidential

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, a party seeking to file a document under seal must address the presumption in favor of public access to judicial documents. The Second Circuit set forth the relevant standard *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under *Lugosch*, "[t]here is a common law presumption in favor of permitting public access to judicial documents, which are those documents 'relevant to the performance of the judicial function and useful in the judicial process.'" *GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (quoting *Lugosch*, 435 F.3d at 119). A court balances this common law presumption of access against competing comparisons, including "the privacy interests of those resisting disclosure." *Lugosch*, 435 F.3d at 120 (quoting *United States v. Amodio*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Thus, the issue is whether "the privacy interests of the defendants outweigh the presumption of public access." *GoSMiLE*, 769 F. Supp. 2d at 649-50.

Here, the Memorandum of Law, the Lee Decl., Lee Decl. Exhibits 3-11 and 13, and Liu Decl. Exhibit 2 each contain sensitive personal identifying information, such as Qin's addresses, bank account information, tax returns, properties, and minor family members. Certain of these documents were also marked Confidential pursuant to the Stipulated Protective Order by Qin.

The parties' interest in protecting confidential information, specifically sensitive personal identifying information, overcomes the presumption of access. Indeed, Your Honor has previously granted Petitioners' request to file under seal certain exhibits to protect certain sensitive personal identifying information, which was clearly visible. *See* Dkt. No. 58.

Because these documents contain confidential information of the kind that is deserving of protection and restricting public access, Petitioners respectfully request that the Court grant their request to redact their Memorandum of Law, the Lee Decl., and the Liu Decl., and to file the Lee Decl. Exhibits B, C, D, E, I, K, L, M, O, P, Q, S, and T and the Liu Decl. Exhibit 2 under seal.

Respectfully submitted,

/s/ Geoffrey Sant
Geoffrey Sant

cc: All counsel of record (via ECF)

Application GRANTED. Petitioners may file redacted versions of their opening memorandum of law and supportive declarations from Lening Liu and Carol Lee. The Clerk of Court is directed to maintain the unredacted versions of those documents (Dkt. #108, 109, 111) under seal, viewable only to the parties and the Court.

The Clerk of Court is further directed to terminate the motion at docket entry 105.

Dated: February 15, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE